

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

ODF CONTRACTING CO., INC.,
Defendant

and

CITIZENS BANK,
Trustee

C.A. No. 03-12550 NG

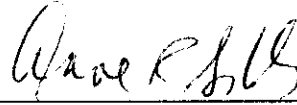
NOTICE OF DISMISSAL

Now come the plaintiffs, Paul J. McNally, as he is Trustee of the Massachusetts Laborers' Health and Welfare Funds, et al, pursuant to Rule 41(a)(1), Fed.R.Civ.P., to notify the Court that, as plaintiffs have placed defendant ODF Contracting Co., Inc. into involuntary Chapter 7 bankruptcy proceedings, this claim against defendant is dismissed.

Respectfully submitted,

PAUL J. McNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

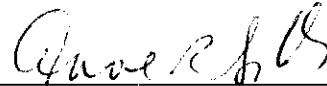


Anne R. Sills, Esquire
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(617) 742-0208

Dated: September 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served by certified and first class mail upon defendant ODF Contracting Co., Inc. at P.O. Box 380, Dorchester, MA 02125 this 2nd day of September, 2004.



Anne R. Sills, Esquire